

BEFORE THE ARIZONA BOARD OF  
MESSAGE THERAPY EXAMINERS

In the Matter of:

Board Case No. 20-130

Li Min Yang,

CONSENT AGREEMENT FOR  
VOLUNTARY SURRENDER

Holder of License No. MT-18789

As a Massage Therapist in the

State of Arizona,

Respondent.

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Li Min Yang ("Respondent"), holder of Massage Therapist License Number MT-18789 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

**RECITALS**

Respondent understands and agrees that:

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney or has waived the opportunity to discuss this Consent Agreement with an attorney.

2. Respondent understands that she has a right to a public administrative hearing concerning this matter, and at this hearing, Respondent could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review, or any other administrative and/or judicial action concerning the matters set forth herein.

1       3. Respondent acknowledges and agrees that, upon signing this Consent Agreement  
2 and returning this document to the Board's Executive Director, she may not revoke her  
3 acceptance of the Consent Agreement or make any modifications to the document  
4 regardless of whether the Consent Agreement has been signed by the Executive  
5 Director. Respondent understands that the foregoing Consent Agreement shall not  
6 become effective until the Executive Director signs it on behalf of the Board. Any  
7 modification to this original document is ineffective and void unless approved by the  
8 Board.

9       4. Respondent understands that this Consent Agreement does not constitute a  
10 dismissal or resolution of other matters currently pending before the Board, if any, and  
11 does not constitute any waiver (express or implied) of the Board's statutory authority or  
12 jurisdiction regarding any other pending or future investigation, action, or proceeding.  
13 Respondent also understands that acceptance of this Consent Agreement does not  
14 preclude any other agency, subdivision, or officer of this state from instituting other civil  
15 or criminal proceedings with respect to the conduct that is the subject of this Consent  
16 Agreement.

17       5. All admissions Respondent makes in this Consent Agreement are made solely for  
18 the final disposition of this matter, and any related administrative proceedings or civil  
19 litigation involving the Board and Respondent. This Consent Agreement is not intended  
20 to be used for any other regulatory agency proceedings, or civil or criminal proceedings,  
21 whether in the State of Arizona or any other state or federal court, except related to the  
22 enforcement of the Consent Agreement itself.

23       6. If a court of competent jurisdiction rules that any part of this Consent Agreement  
24 is void or otherwise unenforceable, the remainder of the Consent Agreement shall  
25 remain in full force and effect.

26       7. Respondent shall assert no claim that the Board or its legal representative was  
27 prejudiced by its review and discussion of this document or any records relating thereto  
28 if this matter proceeds to a formal administrative hearing.

1 8. Respondent understands that this Consent Agreement is a public record that may  
2 be disseminated as a formal action of the Board, and shall be reported as required by law  
3 to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data  
4 Bank.

5 9. While Respondent neither admits nor denies the following Findings of Fact and  
6 Conclusions of Law, Respondent acknowledges that, should this matter proceed to  
7 hearing, the Board would be able to establish by a preponderance of the evidence that  
8 Respondent engaged in conduct which would subject her to discipline under the Board's  
9 statutes or rules. Therefore, Respondent has agreed to enter into this Consent Agreement  
10 as an economical and practical means of resolving this case.

11 10. Respondent understands that this Consent Agreement may be used for purposes  
12 of determining sanctions in future disciplinary proceedings.

13 11. Respondent understands that any violation of this Consent Agreement may  
14 constitute a basis for discipline and is considered unprofessional conduct.

15 12. The Board issues the following Findings of Fact, Conclusions of Law, and Order:  
16

17 **ACCEPTED AND AGREED BY RESPONDENT**  
18  
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21 Li Min Yang  
22 Respondent  
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Dated: 01-16-2020

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2 **FINDINGS OF FACT**

3 1. The Board is the duly constituted authority for licensing and regulating the  
4 practice of Massage Therapy in the State of Arizona.

5 2. Respondent is the holder of license number MT-18789 to practice as a Massage  
6 Therapist in the State of Arizona.

7 3. On December 16, 2019, Respondent pled guilty to two counts of Secure Proceeds  
8 of an Offense (CR2018-002945-001) in violation of A.R.S. §§ 13-2408, a class 6  
9 undesignated felony, and was sentenced to supervised probation for three years that  
10 began 12/16/2019.

11 4. Respondent did not notify the Board of her arrest in CR2018-002945-001 within  
12 ten (10) business days as required in A.R.S. § 32-3208.  
13

14 **CONCLUSIONS OF LAW**

15 1. The Board possesses jurisdiction over the subject matter and Respondent pursuant  
16 to A.R.S. § 32-4201 *et seq.*

17 1. The Board may accept the surrender of a license from a person, pursuant to A.R.S.  
18 § 32-4254(O)(2), who admits in writing to any of the following: (2) Having committed an  
19 act subject to discipline pursuant to this Chapter. (Citations Omitted).

20 2. The conduct and circumstances described in the Findings of Fact constitutes a  
21 violation of A.R.S. § 32-4253(A)(4) ("Being convicted of a felony or other offense  
22 involving moral turpitude or any conviction for prostitution, solicitation or another  
23 similar offense. A conviction by a court of competent jurisdiction is conclusive evidence  
24 of the commission of the crime.").

25 3. The conduct and circumstances described in the Findings of Fact constitute  
26 grounds for discipline pursuant to A.R.S. § 32-3208(A) ("A health professional who has  
27 been charged with a misdemeanor involving conduct that may affect patient safety or a  
28



felony after receiving or renewing a license or certificate must notify the health professionals' regulatory board in writing within ten working days after the charge is filed.").

**ORDER**

Based upon the above Findings of Fact and Conclusions of Law, the parties agree that Respondent hereby **VOLUNTARILY SURRENDERS** License Number MT-18789 to practice as a Massage Therapist in the State of Arizona.

DATED this 31<sup>st</sup> day of January, 2020.

ARIZONA STATE BOARD OF MASSAGE  
THERAPY

(Seal)

By: \_\_\_\_\_

  
Thomas Augherton  
Executive Director

ORIGINAL of the foregoing filed  
this 31<sup>st</sup> day of January, 2020, with:

Arizona State Board of Massage Therapy  
1740 West Adams, Suite 3401  
Phoenix, AZ 85007

EXECUTED COPY of the foregoing mailed/emailed  
this 31<sup>st</sup> day of January, 2020, to:

Li Min Yang  
4226 East Pony Lane  
Gilbert, AZ 85295  
*Respondent*

1 David P. Lish  
2 MayesTelles Attorneys  
3 3636 North Central Avenue, Ste. 1000  
4 Phoenix, AZ 85012-3328  
5 [lish@mayestelles.com](mailto:lish@mayestelles.com)  
6 *Attorney for Respondent*

7  
8 COPY of the foregoing emailed  
9 this 31<sup>st</sup> day of January, 2020, to:

10 Sabrina Khan  
11 Assistant Attorney General  
12 2005 North Central Avenue  
13 Phoenix, AZ 85007  
14 [Sabrina.Khan@azag.gov](mailto:Sabrina.Khan@azag.gov)  
15 *Attorneys for the State of Arizona*

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